

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TRAVIS NANEZ,**

**Plaintiffs,**

**v.**

**No. 18-cv-0968 MV/SMV**

**EVANGELICAL LUTHERAN  
GOOD SAMARITAN SOCIETY,**

**Defendant.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court the previous judge's Order to Notify Court of Status of Case [Doc. 32], issued on March 10, 2022. Arbitration had been scheduled before Judge Lynch for August 1 through 5, 2022. Accordingly, Plaintiff was ordered to file a Status Report no later than August 12, 2022. *Id.* Plaintiff has failed to do. He and his counsel must show cause why sanctions should not be imposed for failure to follow the Court Order.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that, no later than **September 12, 2022**, Plaintiff must show cause, in writing, why he and/or his counsel should not be sanctioned for failure to follow the Court Order [Doc. 32].

**IT IS FURTHER ORDERED** that, no later than **September 12, 2022**, Plaintiff file a Status Report, describing the status of the arbitration and the status of this action.

**IT IS FURTHER ORDERED** that **if Plaintiff fails to timely respond to this Order, he may be sanctioned up to and including dismissal of this case without further notice.** *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962) (courts have inherent power to dismiss cases for lack of prosecution); Fed. R. Civ. P. 16(f) (authorizing sanctions, including dismissal, against

a party who fails to comply with court orders); Fed. R. Civ. P. 41(b) (allowing for involuntary dismissal where “the plaintiff fails to prosecute or to comply with the[] rules [of procedure] or a court order”); *Ehrenhaus v. Reynolds*, 965 F.2d 916, 921 (10th Cir. 1992) (outlining factors to consider in dismissing a case); *see also* D.N.M.LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.”).

**IT IS FURTHER ORDERED** that, if Plaintiff does not intend to pursue his claim, he may file on the record a stipulation of dismissal signed by Defendant or a request for dismissal by court order. *See* Fed. R. Civ. P. 41(a).

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**